

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 25925 of 2010 (M)

PETITIONER(S):

**M/S. TAURUS SECURITY SERVICE
REP. BY ITS PROPRIETOR, LT. COL (RTD) C.K.BABU
TAURUS SECURITY SERVICES, 2ND FLOOR, IX/209
CIVIL LINE ROAD, PADAMUGAL, THRIKKAKARA P.O.
KOCHI-682 021.**

BY ADV. SRI.A.V.XAVIER

RESPONDENT(S):

**BHARATH SANCHAR NIGAM LTD. (BSNL),
MALAPPURAM TELECOM DISTRICT,
REP. BY ITS GENERAL MANAGER (TELECOM), BSNL
KONNOLA TOWERS, MALAPPURAM-678 519.**

**BY ADV. SRI.C.S.RAMANATHAN
BY SRI.MATHEWS K.PHILIP,SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE GOVT.OF INDIA DT.4/2/94**
- P1(A): COPY OF GOVT.OF INDIA ORDER DT.11/11/94**
- P2: COPY OF THE GOVT.OF INDIA DT.18/3/96**
- P3: COPY OF GOVT.OF INDIA DGR NOTIFICATION DT.8//3/2006**
- P3(A): COPY OF GOVT.OF INDIA DGR NOTIFICATION DT.17/4/2007**
- P3(B): COPY OF DGR NOTIFICATION DT.18/10/2007**
- P3(C): COPY OF DGR NOTIFICATION DT.126/3/2008**
- P4: COPY OF DGR PROCEEDINGS DT.22/6/2004**
- P5: COPY OF JUDGMENT IN WPC.18236/09**
- P6: COPY OF JUDGMENT IN WA.816/09**
- P7: COPY OF BSNL LETTER DT.7/4/10**
- P8: COPY OF PETITIONER'S LETTER & BILL DT.28/4/10**
- P9: COPY OF GOVT.OF INDIA MINISTRY OF COMMUNICATION LETTER NO.8-19/2009-SU DT.12/6/2009**
- P10: COPY OF BSNL LETTER DT.8/6/10**
- P11: COPY OF COMPARATIVE TABLE SHOWING ARREARS OF WAGES AND WITHHELD WAGES DUE TO PETITIONER**
- P12: COPY OF ESI LETTER DT.MAY 2010**
- P13: COPY OF PETITIONER'S LETTER DT.14/6/10**
- P14: COPY OF PETITIONER'S LETTER DT.15/6/10**
- P15: COPY OF PROCEEDINGS DT.12/2/2008 OF THE NEGOTIATION MEETING**
- P15(A): COPY OF THE AGREEMENT EXECUTED ON28/2/2008**
- P15(B): COPY OF BSNL LETTER DT.12/8/2008**

PJ

WP(C).No. 25925 of 2010 (M)

**P16: COPY OF SUMMARY OF WAGE ARREARS CLAIMED BY PETITIONERS AND
PAYMENT MADE BY BSNL ALAPPUZHA**

P16(A): COPY OF BILL WAGE ARREARS OF BSNL ALAPPUZHA

P16(B): COPY OF FORM 16A TDS CERTIFICATE

P16(C): COPY OF PAY-IN-SLIP

P17: COPY OF THE DGR GUIDELINES REGARDING HRA (RELEVANT PAGE).

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.25925 OF 2010
.....

Dated this the 11th March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"a) to issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondent to forthwith pay to the petitioner, the ESI and HRA components of the revised wages for the period from 1.12.2006 to 30.9.2008 which is mentioned in Ext.P8 and Ext.P13

b) to issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondent to pay to the petitioner the entire arrears of the revised wages for the period from 1.2.2006 to 30.11.2006 as referred to in Ext.P8 and Ext.P14;

c) to issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondent to pay the petitioner interest @ 18% p.a. on the aforementioned withheld amounts for the period from 1.4.2010 to the date of actual payment and to further direct the respondent to pay exemplary costs of Rs.50000/- to the petitioner;

d) to issue any other appropriate writ

order or direction as this Hon'ble Court may deem fit to grant in the facts and circumstances of this case. "

2. The learned Standing Counsel for the respondent/BSNL submits that exactly a similar issue had come up for consideration before this Court by way of W.P.(C)27572 of 2010, which was disposed of as per judgment dated 26.11.2014. A copy of the said verdict is placed for consideration of this Court. As per the said verdict, recording the factual position with regard to satisfaction of arrears of wages and benefits under ESI, towards ESI contributions, the matter was disposed of, with liberty to the petitioner to move the concerned General Manager, in relation to the claim for HRA.

3. The learned Standing Counsel points out that in the instant case as well, arrears of wages and contributions in respect of ESI stand cleared and the subsisting grievance is only with regard to HRA.

4. In the above circumstance, the petitioner is relegated to move the respondent, by taking the issue in relation to HRA and it will be for the respondent to consider and pass appropriate

W.P.(C)No.25925 OF 2010

3

orders within a reasonable time, which shall be done, at the earliest, at any rate, within three months from the date of preferring the claim, as aforesaid.

The writ petition is disposed of.

**P.R.RAMACHANDRA MENON
JUDGE**

/k